

Legislative Bulletin.....July 27, 2010

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H.R. 5730—Surface Transportation Earmark Rescission, Savings, and Accountability Act (*Markey, D-CO*)

Order of Business: The bill is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: The legislation rescinds contract authority (a form of mandatory budget authority) for remaining projects from the Surface Transportation and Uniform Relocation Assistance Act of 1987, as well as the Intermodal Surface Transportation Efficiency Act of 1991. In addition, the legislation rescinds the contract authority for

remaining projects in the Transportation Equity Act of 1998 if less than 10% of the amount authorized has been obligated. Further, the legislation rescinds \$8.2 million of contract authority for the “high priority projects” program.

Finally, the bill requires an annual report from the Secretary of Transportation identifying earmarks from the two most recent highway bills that have inactive funds, along with information on the amount of funds authorized for these earmarks, and the unobligated balance.

Cost to Taxpayers: No CBO score is available. According to the author, the legislation rescinds a total of \$713 million of contract authority. This is contract authority over and above obligation limits (which set the outlays), therefore cancelling the contract authority would not have an impact on resulting spending. In other words, though no CBO score is available to measure the impact of the bill on the federal budget, based on the best information available to RSC staff, the bill would not be projected to reduce actual federal spending in any year.

Committee Action: H.R. 5730 was introduced on April 14, 2010, and was referred to the House Committee on Transportation and Infrastructure, which took no further action.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score citing any potential such mandates is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report citing any potential earmarks is available, though the legislation does not appear to contain any earmarks.

Constitutional Authority: No committee report citing constitutional authority is available.

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H.Con.Res. 258 - Congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut (*Courtney, D-CT*)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 258 resolves that the House of Representatives:

- “Congratulates the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut;
- “Honors the many men and women who have graduated from the Coast Guard Academy and served on behalf of our Nation over the last 100 years; and
- “Encourages all Americans to learn more about the Coast Guard Academy, its mission, and its long history of training the men and women of the Coast Guard.”

The resolution contains a number of findings, including:

- “The School of Instruction to the U.S. Revenue Cutter Academy was established at Fort Trumbull in New London, Connecticut, in 1910, which later became known as the Coast Guard Academy after the consolidation of the Life Saving Service and the Revenue Cutter Service in 1915;
- “For 100 years, the Coast Guard Academy has called New London, Connecticut, home, where it has trained and shaped the leadership of the Coast Guard;
- “The Coast Guard Academy is a vital link to the maritime legacy of Connecticut and our Nation, and an important part of our Nation's defense; and
- “In 2010, in honor of its 100th year in New London, Connecticut, the Coast Guard Academy will open its gates to the public for events highlighting this milestone, including concerts, art exhibits, an open house, and other events to allow Americans to learn more about this unique educational institution.”

Committee Action: H.Con.Res. 258 was introduced on March 25, 2010, and referred to the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation. A full committee markup was held on July 1, 2010, and the legislation passed by voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1401 - Expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently
(McCarthy, D-NY)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1401 resolves that the House of Representatives:

- “Expresses gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently;
- “Commends air traffic controllers for the calm and professional manner in which they handle air traffic, day and night, throughout the year;
- “Acknowledges the heroic actions, dedication, and quick and skilled decisionmaking that air traffic controllers employ to help avert many accidents and tragedies; and
- “Encourages greater investment in the modernization of the air traffic control system of the United States so that air traffic controllers have the resources and technology needed to better carry out their mission, both in the air and on the ground, as air travel continues to grow.”

The resolution contains a number of findings, including:

- “Due to the highly stressful and demanding nature of the job and the total concentration required, air traffic controllers are required to take regular 30-minute breaks, work in shifts, and retire by the age of 56;
- “Approximately an additional 1,250 civilian contract controllers and more than 9,000 military controllers also provide air traffic services;
- “As of May 22, 2010, the FAA operated 315 air traffic control facilities and the Air Traffic Control System Command Center in the United States; and
- “Air traffic controllers are facing staffing challenges, with an aging workforce and a wave of retirements.”

Committee Action: H.Res. 1401 was introduced on May 26, 2010, and referred to the House Transportation and Infrastructure Subcommittee on Aviation, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1366 - Recognizing and honoring the freight rail industry (Hare, D-IL)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1366 resolves that the House of Representatives:

- “Recognizes the contributions the freight rail industry and its employees have made to the national transportation system; and
- “Supports the efforts of the freight rail industry and its employees to continue improving safety as our Nation moves forward with developing its infrastructure.”

The resolution contains a number of findings, including:

- “From 1980 to 2009, United States freight railroads consumed 55,000,000,000 fewer gallons of fuel and emitted 617,000,000 fewer tons of carbon dioxide than they would have if their fuel efficiency had not improved;
- “The freight railroad sector complies with the Environmental Protection Agency's new locomotive emissions standards which will cut particulate emissions by up to 90 percent and nitrogen oxide emissions by up to 80 percent;
- “For every \$1 invested in freight rail capacity, the national economy sees \$3 in economic output;
- “The seven Class I freight railroads have joined the Environmental Protection Agency's 'SmartWay Transport', which works to improve fuel efficiency and reduce harmful greenhouse gases;
- “Both the public and private sector and organized labor have contributed significantly toward the creation of the freight rail infrastructure we use today; and
- “A strong freight rail system is critical to the economic and environmental well-being of the United States of America.”

Additional Information: The resolution touts the fact that the EPA has been very effective in achieving fuel efficiency standards. Some conservatives would argue that recent actions by the EPA to regulate greenhouse gases have overreached the constitutional boundaries of making policy without the consent of congress.

Committee Action: H.Res. 1366 was introduced on May 18, 2010, and referred to the House Transportation and Infrastructure Subcommittee on Railroads, Pipelines, and Hazardous Materials. A full committee markup was held on July 1, 2010, and the legislation passed by voice vote, as amended.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5825 - To review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households (*Hill, D-IN*)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 5825 would direct the Administrator of the Federal Emergency Management Agency, in cooperation with representatives from state and local emergency management agencies, to review, update, and revise rulemaking factors for Governor's requests for declaring major disasters.

When the rulemaking factors are updated, the Administrator shall consider whether a adjacent county in an adjacent state have been designated a major disaster as a result of the same incident.

A report to the House Committee on Transportation and Infrastructure and the Senate Homeland Security and Governmental Affairs shall be due no later than 3 months after enactment. The report will detail current regulations, policies, procedures, and practices on:

- “Recommending major disaster or emergency declarations in order to provide assistance to individuals and households; and
- “Making post-declaration designations of the need for assistance to individuals and households in a county that is contiguous to a State that has received a major disaster or emergency declaration for the same incident.”

Committee Action: H.R. 5825 was introduced on June 22, 2010, and referred to the House Transportation and Infrastructure Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

**H.Con.Res. 266 - Expressing the sense of Congress that Taiwan
should be accorded observer status in the International Civil
Aviation Organization (*Berkley, D-NV*)**

Order of Business: The resolution is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 266 resolves that it is the sense of Congress that:

- “Meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO)

will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

- “The United States Government should take a leading role in gaining international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and
- “The United States Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's progress toward observer status in the ICAO.”

The resolution contains a number of findings, including:

- “The Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating ‘The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport’;
- “The Taipei Flight Information Region, under the jurisdiction of the Republic of China (Taiwan), covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually along 12 international and 4 domestic air routes;
- “Over 174,000 international flights carrying more than 35,000,000 passengers travel to and from Taiwan annually, reflecting its importance as an air transport hub linking Northeast and Southeast Asia;
- “Exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the Organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;
- “The United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States ‘will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible’; and
- “ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status.”

Committee Action: H.Con.Res. 266 was introduced on April 21, 2010, and referred to the House Foreign Affairs Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1538 - Condemning the July 11, 2010, terrorist attacks in Kampala, Uganda (*Davis, D-CA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1538 resolves that the House of Representatives:

- “Strongly condemns the terrorist attacks in Kampala, Uganda, on July 11, 2010;
- “Encourages the Administration to help Ugandan and Somali authorities bring those responsible for these attacks to justice;
- “Expresses its condolences to the families of Nate ‘Oteka’ Henn and all the victims of these attacks;
- “Strongly condemns al Shabaab's destabilizing role in Somalia and the region;
- “Recognizes the importance of Uganda's peacekeeping efforts in Somalia; and
- “Calls on the Administration to work with the international community to address the security threat emanating from Somalia.”

The resolution contains a number of findings, including:

- “On July 11, 2010, terrorists allegedly associated with the Somalia-based al Shabaab terrorist organization carried out multiple suicide bombings against civilian targets in the city of Kampala, Uganda;
- “Nate ‘Oteka’ Henn, a United States citizen and committed volunteer of Invisible Children Inc., a nonprofit organization based in San Diego, California, and at least 70 other civilians were killed in the attack;
- “Al Shabaab was designated as a foreign terrorist organization by the Secretary of State on February 26, 2008;
- “The attack for which al Shabaab has claimed responsibility was allegedly in retaliation for the presence of Ugandan peacekeeping forces contributing to the African Union Mission in Somalia (AMISOM); and
- “It is in the interest of the United States and the international community to continue to support efforts in Somalia to achieve lasting peace, democracy, rule of law, respect for human rights, and to eradicate extremism and terrorism from Somalia and the region.”

Committee Action: H.Res. 1538 was introduced on July 20, 2010, and referred to the House Foreign Affairs Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 5138 – International Megan’s Law (Chris Smith, R-NJ)

Order of Business: The bill is scheduled to be considered on Tuesday, July 27, 2010 under a motion to suspend the rules and pass the bill.

Summary: H.R. 5138 aims to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other sex offenders against minors intending to engage in international travel. Among other things, the bill would:

- Require sex offenders to notify the appropriate jurisdiction of his or her intent to travel no later than 30 days before departure from or arrival to the U.S.;
- Require a jurisdiction to notify the “Center” (defined below) within 24 hours of a notice of travel;
- Establish a fee that ICE is authorized to charge a sex offender for the processing of a notice of intent to travel;
- Create a new offense for failing to register to U.S. officials in a foreign country (at an Embassy or consulate) as a sex offender;
- Require notification of sex offenders of reporting and international registration requirements;
- Establish procedures for sex offenders that regularly travel to and from Mexico or Canada to the U.S.;

Foreign Registration Requirements. The bill would require U.S. embassies or consulates to establish and maintain a sex offender registry for sex offenders from the U.S. that reside in that country. It would also require the embassy or consulate where a sex offender registers to collect certain information from the sex offender for the registry. The bill establishes procedures for registration and how to keep it current and lists the information required in the registration.

The “Center.” The bill will establish, no later than 30 days after enactment, an International Sex Offender Travel Center (the “Center”) with representatives from the State Department, The Department of Homeland Security, the Department of Justice, and others that may be determined by the President. The Center will be headed by the Assistance Secretary of Homeland Security for US Immigration and Customs Enforcement (ICE). Among other things, the Center is required to:

- Transmit notice of international travel of high risk sex offenders to the country or countries of destination.
- Provide a means of alerting Center personnel regarding those sex offenders who have not reported travel.
- Respond to requests for information by a U.S. diplomatic or consular mission at which a sex offender is registering.

The bill includes Sense of Congress provisions that state:

- The President should enter into memorandums of understanding or other bilateral agreements with foreign governments, such as establishing systems to receive and transmit notices of travel of sex offenders and establishing mechanisms for private companies to NGOs to report on a voluntary basis, suspected child pornography or exploitation to foreign governments.

- The President should strongly encourage foreign countries with an age of consent to sexual activity below 18 to raise it to 18.

Authority to Restrict Passports. The bill authorizes the Secretary of State to revoke a passport if an individual has been convicted by a court of a sex offense in a foreign country.

Foreign Assistance. Section 13 of the bill states that the President is “strongly encouraged to exercise the authorities of section 134 of the Foreign Assistance Act of 1961 to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations for programs, projects, and activities...to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.”

Reporting Requirements.

- No later than one year after the date of enactment, the Secretary of State must submit a report to the appropriate congressional committees with information regarding countries that have or could have sex offender registries and notification systems.
- An initial report after the establishment of the systems described in this bill.
- An annual report beginning one year after the date of enactment to Congress on the implementation of the Act.

Authorization. The bill authorizes “such sums as may be necessary for each of the fiscal years 2011 through 2015.”

Additional Background: Foreign sex offenders are coming to the United States unbeknownst to our authorities, and American sex offenders are traveling to countries where laws are lax. This bill aims to correct that issue.

“Megan,” of Megan’s Law, was a 7-year old girl who was sexually assaulted and murdered in 1994 by a convicted child sex predator who lived across the street.

Potential Conservative Concerns:

- The bill authorizes \$297 million over five years (according to CBO) without an [offset](#).
- The bill establishes a new federal “Center” made up of DoJ, DHS, and Department of State officials. Some conservatives might be concerned at the creation of a new federal program with new layers of federal bureaucracy. Additionally, the Center will be headed by ICE, which is traditionally concerned with matters related to immigration law enforcement. This bill would give them new responsibilities when they are already overexerted.
- Some individuals may have concerns that the bill conflicts with the already existing Sex Offender Registration and Notification Act (SORNA). SORNA is administered by the SMART Office, a part of the Office of Justice Programs at

DoJ. Some conservatives might be concerned that this bill creates a Center that is duplicative in nature to offices that already exist.

- Section 13 states that “The President is strongly encouraged to exercise the authorities of section 134 of the Foreign Assistance Act of 1961 to provide assistance to foreign countries...to establish systems to identify sex offenders...” While it does not give any authorizing authority and is not a mandate, it does imply that the U.S. should give money to foreign countries to help establish registries. Sec 6(g) also allows (does not mandate) DHS and State to provide technical assistance to foreign governments.

Committee Action: The bill was introduced on March 19, 2009 and referred to the House Committee on Foreign Affairs. No further official public action was taken.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: CBO estimates that the bill would authorize \$297 million over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill would create a new “Center” at an authorization level of \$297 over the first five years. The bill would require the levy of a new fee and the collection of new data.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, “H.R. 5138 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) by requiring state, local, and tribal governments to collect travel information and fees from registered sex offenders and provide information to federal officials. CBO estimates that the cost of those intergovernmental mandates would fall below the annual threshold established in UMRA (\$70 million for fiscal year 2010, adjusted annually for inflation).”

CBO goes further to say that, “The bill also would impose private-sector mandates, as defined in UMRA, on individuals who have been convicted of certain sex offenses, but CBO estimates that the aggregate direct costs of those mandates would fall well below the annual threshold established in UMRA for private-sector mandates (\$141 million in 2010, adjusted annually for inflation).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 5849 - To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 (*Velazquez, D-NY*)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 5849 will extend programs covered under the Small Business and Small Business Investment Acts through September 30, 2010. Both of these acts were previously extended in April and are now set to expire without reauthorization on July 31, 2010. This is the seventh temporary extension passed for these programs during the 111th Congress.

Additional Information: The Small Business Act (SBA) established the Small Business Administration to “encourage” and “develop” small business growth, and to aid minorities and other disadvantaged peoples in securing loans and learning management techniques in 1953. In 1958, Congress passed into law the Small Business Investment Act to ensure a “fair proportion” of government contracts and sales of surplus property include privately operated small businesses.

Other extensions were:

[S. 3253](#) – extended from April 30, 2010, through July 31, 2010

[H.R. 4508](#) - extended from January 30, 2010, through April 30, 2010

[S. 1929](#) – extended from October 31, 2009, through January 31, 2010

[H.R. 3614](#) – extended from September 30, 2009, through October 31, 2009

[S. 1513](#) – extended from July 31, 2010, through September 30, 2009

[H.R. 1541](#) – extended from March 20, 2009, through July 31, 2009

Committee Action: H.R. 5849 was introduced on July 26, 2010, and referred to the House Committee on Small Business, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5681 - To improve certain administrative operations of the Library of Congress (*Brady, D-PA*)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5681 would amend certain administrative operations/processes at the Library of Congress (LOC).

H.R. 5681 would allow the Librarian of Congress to dispose of surplus or obsolete property from the LOC. Any monetary amount received would be credited to the Library's operational funds.

This legislation would also allow for any appropriated funds to the Librarian for employee salaries and expenses, to be used to make payments under the student loan repayment program on behalf of the employee.

Unobligated funds of expired appropriations that were made to the LOC will be available to the Librarian to make the deposit to the credit of the Employees' Compensation Fund.

Committee Action: H.R. 5681 was introduced on July 1, 2010, and referred to the House Administration Committee, which held a markup on July 14, 2010, and the legislation was approved, by voice vote without amendment.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO "expects that enacting H.R. 5681 could affect direct spending by allowing the Librarian to sell property and spend the proceeds; therefore, pay-as-you-go procedures would apply." Also, CBO states that, "allowing the Librarian to repay student loans and use expired balances could increase total outlays from future appropriations, beginning with funding for fiscal year 2011."

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's

no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5682 - To improve the operation of certain facilities and programs of the House of Representatives (*Brady, D-PA*)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5682 would allow active duty congressional liaisons in the armed forces to obtain a membership in the House employee gym.

This legislation also establishes a revolving fund for the House known as the “House Child Care Center Revolving Fund.” Funds will be deposited by the Chief Administrative Officer (CAO) from operational amounts received by the House for the center. This fund will serve as the source for salaries and expenses for the child care center.

H.R. 5682 also states that the CAO will supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the Chief Administrative Officer.

Committee Action: H.R. 5682 was introduced on July 1, 2010, and referred to the House Administration Committee, which held a markup and the legislation was approved.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 415 - Fallen Heroes Flag Act (King, R-NY)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 415 would allow the immediate family of a fire fighter, law enforcement officer, emergency technician, or worker who died in the line of duty, to have a flag flown over the Capitol at no cost to the family.

The Clerk shall be responsible for issuing regulations for carrying out this legislation. This legislation authorizes for appropriation such sums as may be necessary.

This legislation does not specify if families of individuals who died before enactment are eligible to request a flag free of charge.

Committee Action: H.Res. 1456 was introduced on January 9, 2009, and referred to the House Administration Committee, which held a markup on March 25, 2009, and the legislation was approved, without amendment, by voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO states that “based on the current costs of obtaining and mailing flags and on the small number of likely recipients in any given year, CBO estimates that implementing H.R. 415 would not have a significant impact on discretionary spending. Depending on whether the new regulations would allow families of individuals who died before the bill’s enactment to request a flag, it is possible that the costs of providing flags could be higher in the first few years of the program (to process a potential backlog of such requests), but we estimate that, even in those years, total annual costs would be insignificant. The bill would have no effect on direct spending or revenues. “

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s

no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 3040 - Senior Financial Empowerment Act (*Baldwin, D-WI*)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3040 resolves that it is the sense of Congress that:

- “There is a need to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud has on senior citizens in the United States;
- “A week in the month of May should be designated as ‘National Senior Fraud Awareness Week’;
- “The people of the United States should observe National Senior Fraud Awareness Week with appropriate educational activities; and
- “The President is encouraged to issue a proclamation supporting increased public awareness of the impact of, and the need to prevent, fraud committed against seniors.”

This legislation directs the Federal Trade Commission (FTC) to distribute information to seniors, and caregivers of seniors, on fraudulent techniques that are being used to target seniors. This information would also detail how to file complaints with law enforcement, including the FBI, the Attorney General of the state, and a national toll-free that is to be established by the FTC. The FTC would also be responsible for providing, upon request, public information on any civil or criminal law record involving mail, telemarketing, or Internet fraud by a particular entity. This legislation also directs the FTC to maintain a website detailing this information for seniors and families. This legislation authorizes \$10 million a year from FY 2010 – FY 2014 (subject to appropriation), to carry out these requirements.

Furthermore, H.R. 3040 creates a \$20 million a year from FY 2010 – FY 2014 grant program (subject to appropriation) to award grants to eligible organizations to carry out mail, telemarketing, and Internet fraud prevention education programs for seniors. This program will be carried out by the Attorney General, after consultation with the Secretary of Health and Human Services, the Postmaster General, and the Chief Postal Inspector for the United States Postal Inspection Service.

Conservative Concern: Some conservatives may be concerned that this legislation authorizes a total of \$30 million of new spending (subject to appropriation) for each year from FY 2010 – FY 2014, without offering any offsets.

Committee Action: H.R. 3040 was introduced on June 25, 2010, and was referred to the House Energy and Commerce Committee, which took no public action. The legislation was also referred to the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, which held hearings but no markup of the legislation.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A score from CBO is unavailable. However, this legislation authorizes a total of \$30 million of new spending (subject to appropriation) for each year from FY 2010 – FY 2014, without offering any offsets.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation creates a new grant program to be carried out by the Attorney General to award grants to eligible organizations to carry out mail, telemarketing, and Internet fraud prevention education programs for seniors.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

Senate Amendments to H.R. 2765 – Securing the Protection of our Enduring and Established Constitutional Heritage Act (*Cohen, D-TN*)

Order of Business: The bill is scheduled to be considered on Tuesday, July 27, 2009 under a motion to suspend the rules and pass the bill. The House passed a similar bill on June 15, 2009 by voice vote. The Senate passed that bill, as amended, by unanimous consent on July 19, 2010. The bill we are considering today is the Senate-passed bill.

Summary: H.R. 2765 would prohibit federal or state domestic courts from recognizing or enforcing a foreign judgment regarding defamation, unless the domestic court determines that the foreign judgment is consistent with the First Amendment to the U.S. Constitution.

Additionally, a domestic court shall not recognize or enforce a foreign judgment for defamation if the party opposing (the American citizen) establishes that the foreign court did not comply with the due process rights in the U.S. Constitution.

Differences between the House and Senate bills include a provision that changes the burden of proof to the foreign plaintiff to prove that the foreign court was consistent with the due process requirements of the U.S. Constitution. The changes also allowed American defendants to move an action by a foreign plaintiff from a state court to US District Court, and requires the U.S. District Court to award attorneys' fees to the American defendant if he or she wins, "absent exceptional circumstances."

Additional Background: This bill was written in response to "libel tourism." Libel tourism is when the subject of an article or story sues an American author for defamation in a country with fewer protections for writers and journalists compared to the United States. The subject of the article/story is more likely to win in these forums. The bill aims to correct this abuse and protect American citizens. As [Senator Kyl stated](#) in his additional views in the Senate committee report, "There can be no doubt that American citizens' rights of free expression are being abridged by this practice. Indeed, some Americans are falling victim to an international race to the bottom – they are able to write or publish only materials that would be allowed in countries with the weakest free speech protections."

Committee Action: The bill was introduced on June 9, 2009 and referred to the House Committee on the Judiciary. The bill was reported out of Committee on June 15, 2009 and passed the House by voice vote on the same day. The bill passed the Senate by unanimous consent on July 19, 2010 with an amendment.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: CBO estimates that H.R. 2765 would have no significant effect on the federal budget. Because the legislation would not affect direct spending or revenues, pay-as-you-go procedures would not apply.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, "H.R. 2765 would impose private-sector mandates as defined in UMRA on individuals seeking to have certain foreign defamation judgments enforced in the United States. New requirements on those individuals would limit an existing right to recover damages and direct them to reimburse attorney's fees in the event a domestic court does not uphold a foreign judgment. The cost of the mandate would be the net value of forgone awards and settlements in such claims and any fees paid to opposing parties. Based on information about foreign defamation cases, CBO expects that the cost of the mandates would fall below the annual threshold established in

UMRA for private-sector mandates (\$141 million in 2010, adjusted annually for inflation).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2765 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

Constitutional Authority: According to the [House committee report](#), for the House-reported bill, “Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8, of the Constitution.”

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H.R. 5281 – Removal Clarification Act (*Johnson, D-GA*)

Order of Business: The bill is scheduled to be considered on Tuesday, July 27, 2009 under a motion to suspend the rules and pass the bill.

Summary: H.R. 5281 would make changes to Section 1442 of title 28, USC to ensure that certain actions against federal officers are brought to federal, not state court (see background section for more details to put this into context).

Among other things, the bill specifies that “civil action” and “criminal prosecution” include “any proceeding in which a judicial order, including a subpoena for testimony or documents, is sought or issued.” The bill also broadens the acts that enable congressmen to remove their case to federal court. It does this by allowing for removal to federal court by federal officers “in an official or individual capacity, for or relating to any act under color” of their office. “Or relating to” was added in this bill. The bill also allows for judicial review of Section 1442 cases that are remanded, just like civil rights cases.

Additional Background: Section 1442 of title 28 authorizes the removal of certain civil actions or criminal cases brought in state courts in certain circumstances – mostly in situations that where a federal officer or agent has been held liable for an act performed while executing their federal duties. The goal of the section is to ensure that federal officers are tried in US district courts, not state courts so long as their state suit came about due to their official authority.

According to the House Judiciary Republican staff, the House General Counsel’s Office has noted that the federal courts have applied Section 1442 inconsistently in recent years.

Committee Action: The bill was introduced on May 12, 2010 and referred to the House Committee on the Judiciary. On May 25, 2010, the Subcommittee on Courts and Competition Policy held a hearing on the bill. No further public action was taken.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: No CBO score is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the bill does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718

H.R. 2780 - Federal Restricted Buildings and Grounds Improvement Act (Rooney, R-FL)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2780 makes it a federal crime to:

- “Without authority to do so, knowingly enters or remains in any restricted building or grounds;
- “Knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;
- “Knowingly obstructs or impedes ingress or egress to or from any restricted building or grounds; or
- “Knowingly engages in any act of physical violence against any person or property in any restricted building or grounds.”

Persons convicted to these crimes will be subject to a fine, and up to 10 years in prison if they use or carry a dangerous weapon or firearm. Without a weapon or firearm they may be fined, or imprisoned for up to one year, or both.

This legislation defines “restricted buildings or grounds” as a posted, cordoned off, or restricted area of a building or on the grounds where:

- “Where the President or other person protected by the Secret Service is or will be temporarily visiting; or
- “So restricted in conjunction with an event designated as a special event of national significance.”

Committee Action: H.R. 2780 was introduced on June 9, 2010, and was referred to the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5827 – Protecting Gun Owners in Bankruptcy Act **(Boccieri, D-OH)**

Order of Business: The bill is scheduled to be considered on Tuesday, July 27, 2009 under a motion to suspend the rules and pass the bill.

Summary: H.R. 5827 would amend Section 522 of title 11, USC to allow for exemptions of “The debtor’s aggregate interest, not to exceed \$3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof” with regard to bankruptcy proceedings. These exemptions cannot be seized by the creditor in a bankruptcy case.

The bill also adds a provision that protects gun owners from liens that exist on the exempt gun/guns if the lien would have prohibited him or her from taking advantage of the new exemption.

Please note that this is a change in text from the bill found on LIS.

Additional Background: Under current law, a debtor can claim either federal exemptions *or* state exemptions (not both). This bill adds a new federal exemption of guns. Because most states have passed laws that prevent debtors from taking federal exemptions (as states are permitted to do so under the Bankruptcy Code), only 16 states will be affected by this law.

Potential Conservative Concerns: Some conservatives might be concerned that this bill allows for another exemption that a debtor can claim in bankruptcy proceedings. While the right to own a gun is protected under the Second Amendment, many might believe that a carve-out for anything in bankruptcy proceedings is an avoidance of personal responsibility.

Committee Action: The bill was introduced on July 22, 2010 and referred to the House Committee on the Judiciary. No further official public action was taken.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: No CBO score is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718

H.R. 5143 – National Criminal Justice Commission Act (Delahunt, D-MA)

Order of Business: The bill is scheduled to be considered on Tuesday, July 27, 2009 under a motion to suspend the rules and pass the bill.

Summary: H.R. 5143 would establish a new National Criminal Justice Commission to undertake a comprehensive review of the criminal justice system, which would encompass current federal, state, local, and tribal criminal justice policies and practices. It would also make reform recommendations for the President, Congress, state, local, and tribal governments.

Specifically, the bill would undertake a review of all aspects of the criminal justice system and make findings and recommendations for changes in oversight, policies, practices, and laws regarding crime and violence. The bill provides that the Commission shall “closely consult with Federal, State, local, and tribal government and nongovernmental leaders...”

The Commission shall provide a report not later than 18 months after the formation. It shall include a detailed statement of findings, conclusions, and recommendations, or the Commission to Congress, the President, state, local, and tribal governments.

The Commission shall be composed of 14 members equally appointed by Republicans and Democrats. The bill stipulates that individuals that are appointed from “private life” must be nationally recognized for their expertise in areas such as law enforcement, national security, criminal justice, civil liberties, social services, and more.

The bill authorizes \$7 million per year for FY2011 and FY2012.

Potential Conservative Concerns: The bill authorizes a new Commission which would be required to write a report on the entirety of the criminal justice system within 18 months of its formation. This report could potentially be written with the input of advocates such as the ACLU, or other liberal organizations who have a different vision of what our criminal justice system should look like. These organizations could be in the position of creating policy recommendations for the administration, along with Congress.

Conservatives also might be concerned about the serious federalism issues with this bill. The bill authorizes a Commission to write recommendations for state and local governments. While the findings are advisory, and not mandatory, there is cause for great concern that the recommendations might lead to new law or policy that does not reflect the needs of given states or localities.

Committee Action: The bill was introduced on April 27, 2010 and referred to the House Committee on the Judiciary. No further public action was taken.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: No CBO score is available. However, the bill authorizes \$7 million each year for two years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new federal Commission.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No – but it charges the Commission with making policy recommendations that could become mandatory in the future.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718

H.R. 5810 - Securing Aircraft Cockpits Against Lasers Act of 2010 (Lungren, R-CA)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5810 would amend Title 18 of U.S. Code to establish a new federal crime by requiring that whoever knowingly aims the beam of a laser pointer at an aircraft or at the flight path of such aircraft is subject to either a fine, or up to five years in prison (or both).

The bill would allow for exceptions in the case of persons conducting tests in coordination with the Federal Aviation Administration, a member of the Department of Defense or Department of Homeland Security conducting research, and an individual using a laser emergency signaling device to send an emergency distress signal.

Additional Information: A similar bill passed the House in the 110th Congress (H.R. 1615) by voice vote, and 109th Congress (H.R. 1400) by voice vote. According to an older committee report, the number of FAA reported incidents of an individual aiming a laser beam at an aircraft has increased dramatically (400 times since 1990, and 100 times since November 2004). For instance, on November 9, 2005, David Banach of Parsippany, New Jersey, pled guilty to violating the Patriot Act for shining a laser at aircraft on two separate occasions. The guilty plea was part of an agreement in order for Mr. Banach to avoid jail time, which under the Patriot Act could reach up to 20 years.

For more background, please see the following news story:
<http://www.cnn.com/2005/US/01/04/laser.beam.charges/>.

Committee Action: H.R. 5810 was introduced on July 21, 2010, and referred to the House Judiciary Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 4748 - Northern Border Counternarcotics Strategy Act of 2010 (Owens, D-NY)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4748 would instruct the Director of National Drug Control Policy, in coordination with the Secretary of Homeland Security, to submit to Congress a Northern Border Counternarcotics Strategy. This report will be due within 120 days of enactment, and every two years thereafter. The report will be sent to the House Committees on Armed Services and Homeland Security. It will also be sent to the Senate Committees on Homeland Security and Governmental Affairs, and Armed Services.

This report will detail the government's strategy for preventing illegal drug traffic across the border between the U.S. and Canada. It will also state the specific roles of the National Drug Control Program, and the Office of Counternarcotics Enforcement of the Department of Homeland Security for implementing this strategy. The report will also identify the needs of the National Drug Control Program agencies and the Office of Counternarcotics Enforcement of the Department of Homeland Security, in order to implement that strategy.

The strategy will also take into account tribal lands that are located along the border.

Committee Action: H.R. 4748 was introduced on March 3, 2010, and referred to the House Judiciary Committee, and the House Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5662 - Simplifying the Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010 (*Loretta Sanchez, D-CA*)

Order of Business: The legislation is scheduled to be considered on Tuesday, July 27, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5662 would amend title 18, USC to create a new punishment for individuals who, with the “intent to kill, injure, harass, or intimidate,” engage in conduct affecting interstate or foreign commerce or in the special maritime and territorial jurisdiction of the United States that does the following:

- Causes or attempts to cause bodily injury or serious emotional distress to a person; or
- Occurs in circumstances where the conduct would be reasonably expected to cause the other person serious emotional distress.

This legislation also increases the maximum punishment for this offense. If the offense violates a restraining order, the maximum imprisonment term may be increased by 5 years. Also, if the victim is under the age of 18, the maximum imprisonment term may be increased by 10 years.

This legislation also requires the Attorney General to submit an annual report:

- “Include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and
- “Identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.”

Additional Information: This legislation amends current law to address stalkers who use new technologies, such as cyber-stalking, spyware, bugging and video surveillance, to stalk victims.

According to the sponsor of the legislation, “this bill enables law enforcement to prosecute incidents of stalking that are “reasonably expected” to cause another person serious emotional anguish. This modification gives authorities the power to stop stalkers even if a victim is not fully aware of the danger he or she potentially faces.”

Committee Action: H.R. 5662 was introduced on July 1, 2010, and referred to the House Judiciary Committee, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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